

POSTPONE LOVING CASE UNTIL TO-DAY

Judge Gordon Refuses to Have Anything to Do With It.

TELEGRAM FROM JUDGE BARKSDALE

Says Halifax Jurist Will Arrive This Morning — Charge to Grand Jury First Step. Defense Will Seek Change of Venue, Matter of Bail.

BY WALTER EDWARD HAINES.
LOVINGSTON, VA., May 27.—The great crowd which came to Lovington to-day to hear the indictment of Judge W. G. Loving for killing Theodore Estes, and witness the preliminary skirmish of the great legal battle about to be inaugurated to save the slayer of Estes from punishment, was disappointed.

Judge W. R. Barksdale, of Halifax Circuit Court, who was designated by Governor Swanson to preside at the trial, telegraphed that the business of his own court prevented his reaching here until to-morrow. Judge P. T. Gordon, of this circuit, who, owing to former unpleasant relations with Judge Loving, declined to sit in the case, would not consent to take any steps whatever in the trial. He would not even allow the grand jury which was impaneled to-day to return an indictment. Nor would he permit the acting sheriff, who was appointed by the court to officiate in the place of Sheriff M. J. Estes, father of the slain boy, to summon one member of the grand jury to take the place of an absentee.

"Such action would be equivalent to summoning a special grand jury," said Judge Gordon, in refusing the motion of Commonwealth's Attorney Whitehead that Mr. Thacker be directed to summon a juror to take the place of the absentee.

Judge Loving Willing.

The grand jury impaneled and charged by Judge Gordon to-day will have to consider the case of Judge Loving, and will return the indictment for murder in the first degree, as a matter of course. Judge Gordon is proceeding in a manner which will preclude all possible criticism of his course.

I was told by a man who is a warm personal friend of Judge Loving that the latter said to-day, "I am sure that he would be perfectly willing to have Judge Gordon preside at his trial, despite the former differences between them, so great is his confidence in Judge Gordon's fairness and his sense of justice."

When Judge Loving came to the courthouse to-day, it was the first visit he has paid the little hamlet since that day in April, when he went over to the railroad station at Oakridge and shot Theodore Estes to death. He found a large crowd on the court green, and the courthouse was crowded. He drove over from his home, four or five miles away, in a carriage, accompanied by his counsel, Messrs. R. W. Moore, and John M. Lee. Mr. Strode, also of counsel for defense, came in another conveyance. All three have been with their client since Saturday.

In Looking Well.

Judge Loving was stopped several times by friends as he made his way to the courthouse. He was met by Mr. Lee, who took him to the side of the court green, opposite the entrance. He appeared to be eager to seize hands offered him, though he said little more than was necessary to acknowledge a casual greeting. His step was firm and quick, and he did not indicate in his countenance or manner that he was suffering mentally or physically from the terrible event of a month ago.

Judge Loving and his counsel were escorted to the courtroom by Mr. Strode for several hours. Judge Gordon convened court and proceeded to transact some important business. He was waiting to hear from Judge Barksdale. Judge Gordon did not know that the Halifax judge would not be here to-day until he read the announcement in The Times-Dispatch of yesterday. In fact, he confidently expected that either Judge Barksdale or Judge Christian, of Lynchburg, would be on hand to preside over the trial.

Judge Barksdale found it impossible to leave his own court, which began a regular term to-day. The Lynchburg judge would preside, so that Judge Gordon might be relieved from the duty of hearing a motion to grant bail to Judge Loving under the law, the bail bond given by a defendant at a preliminary hearing being cancelled when an indictment is returned.

Judge Gordon did not wish to pass on the motion for further bail. It is not the practice at common law, nor is it the general practice in the courts of Virginia and elsewhere, to bail a prisoner accused of a crime, the punishment of which would not be death. But the Strode brothers were bailed when they had their preliminary hearing after they had killed their brother-in-law for deserting his bride at Culpeper last December, and also bailed after an indictment had been found in February. The matter of granting bail to a prisoner indicted for murder in the first degree is claimed to be one in which the court is allowed full discretion.

Will Oppose Further Bail.

The question will be settled to-morrow, when the indictment is read, and motion is made by the defense to admit the prisoner to bail.

It is likely the Commonwealth will oppose the motion.

Judge Barksdale will also fix the time and place of trial. The defense will strive first to secure a change of venue. In case this motion is granted, Judge Barksdale will probably order that the case be heard in a county in his own circuit. It would be perfectly competent for him to order the case transferred to the docket of the court of some other county, under which circuit the case is heard. The circuit in which the court was located would preside at the trial. A hundred witnesses

DOCTOR CAUGHT UNDER AUTO-CAR AND BADLY HURT

Machine Turns Somersault and Dr. W. C. Ellett's Ankle Crushed.

(Special to The Times-Dispatch.)
CHRISTIANSBURG, VA., May 27.—Dr. William C. Ellett, of Blacksburg, was thrown from his automobile on the main street of Christiansburg last night, and received a serious fracture of the lower part of his leg. He and his brother, Professor Walter B. Ellett, had been on a visit to his mother, in this place, and they were just starting to Blacksburg on their return when the machine struck a rock in the street, which caused a spring to break, and prevented the use of the guide bar, thereby rendering it unmanageable. Professor Ellett jumped from the car and was uninjured. The machine turned a somersault in front of the hotel, catching Dr. Ellett between two bars, and terribly crushing his foot and ankle. He suffered intense agony last night, and was taken to the Memorial Hospital, at Richmond, to-day by his brother, Dr. A. S. Ellett, in order to have his foot amputated.

Mr. Ellett is a prominent druggist at Blacksburg, and was postmaster there until about a year ago, when he resigned, and has a large number of relatives in Richmond.

Physicians at the Memorial Hospital stated at an early hour this morning that Mr. Ellett is doing nicely. It is not probable that the injured member will have to be amputated.

COMING BACK TO STAND TRIAL

Negro Who Murdered Miss Anna Hall in Patrick County Is Captured.

CHICAGO, May 27.—Grover Beamer was arrested at Hampshire, Ill., to-day on a charge of complicity in the murder of Miss Anna Hall, who was killed while attempting to defend her father against an attack by Blue Ridge mountaineers on his farm, in Patrick county, Va., in March. Beamer was turned over to a United States marshal and brought to Chicago. An order of removal was obtained before Federal Judge Landon, and the prisoner will be taken to Virginia.

Beamer and several others are charged with an attack on Peter Hall, when they learned that he had furnished information to the government revenue agents concerning illicit whiskey stills. Miss Hall was shot and instantly killed, and several other persons were injured during the fight.

FUTURE TRADING IS NECESSARY

President Hubbard Expects Revulsion of Feeling in the South.

NEW YORK, May 27.—A revulsion of feeling in the prohibiting States eventually will result in the reversal of the laws recently enacted by many Southern States against dealing in cotton for future delivery, is the opinion of President Walter C. Hubbard, of the New York Cotton Exchange, as expressed in his annual report, which was made public to-day. "It will be found in time," says Mr. Hubbard, "that the value of our methods in facilitating the operation of complex modern trade cannot wisely be ignored and antique systems reverted to without serious consequences. A revulsion of feeling in the prohibiting States will result when the difficulties and inconveniences of the older and primitive ways become apparent."

CROOKS STEAL HERO'S MEDALS

Lieutenant Mori, of Japanese Cruiser, Victim of Souvenir Hunters.

NEW YORK, May 27.—News of the theft by souvenir hunters or others, of ten valuable medals and decorations belonging to Lieutenant Mori, of the Japanese cruiser Chitose, while that vessel was at anchor here recently, became known to-day through correspondence between American naval officers who have undertaken to find the missing decorations, if possible.

Among the stolen decorations were the Order of the Rising Sun, which was given to Lieutenant Mori by the Emperor for exceptional courage during the attack on Port Arthur, medals for his participation in the Yellow Sea fight against the Russian and in the battle of the Yalu against the Chinese, and one of gold presented to him for jumping overboard during a storm and saving a shipmate.

PITTSBURG GRAVES COME HIGHER NOW

PITTSBURG, PA., May 27.—Following the recent investigation of the high cost of living in this city by a special committee of the Legislature, which found Pittsburgh to be the most expensive city in the country, an announcement to-day by the Cemetery Association imposes further burdens by increasing the prices of graves. Undertakers to-day received notice from cemetery officials that, beginning June 1st, the price of single graves would be advanced two dollars over the present rate. The reason assigned for the advance is the rapidity with which the local "cities of the dead" are filling up, and the advance in land values.

COURT OVERRULES DEMURRER TO SUIT

West Virginia's Effort to Repudiate Debt to Virginia Fails.

TO HEAR CASE ON ITS MERITS

Amount Involved Is Seventeen Million Dollars and Virginia Given Right to Prove Her Claim—Order by Chief Justice Fuller.

WASHINGTON, May 27.—The Supreme Court of the United States to-day overruled the demurrer of the State of West Virginia in the original proceedings against that State by the State of Virginia, in which the latter State seeks to compel the former to assume a portion of the indebtedness contracted by Virginia before the creation of West Virginia. The order was announced by Chief Justice Fuller, who said that there could be no doubt of the jurisdiction of the Supreme Court in the case.

While Chief Justice Fuller's opinion dealt necessarily with the question presented by the demurrer, he dealt somewhat with the merits of the case. After asserting the jurisdiction of the court he took up the question of the amount involved, saying: "When this court has ascertained and adjudged the proportion of the debt of the original State, which it would be equitable for West Virginia to pay, it is not to be presumed on demurrer that West Virginia would refuse to carry out the decree of this court. If such repudiation should be absolutely asserted we will then consider by what means the decree may be enforced."

Quotes the Constitution.

"It is, however, further insisted that this court cannot proceed to judgment because of an alleged compact entered into between Virginia and West Virginia, with the consent of Congress, by which the question of the liability of Virginia to West Virginia was submitted to the arbitration of the Legislature of West Virginia, and the Legislature of West Virginia, when admitted into the Union, contained the provisions: 'An equitable proportion of the public debt of the Commonwealth of Virginia prior to the 1st day of January, 1861, shall be assumed by this State, and the Legislature shall ascertain the same as soon as may be practicable and provide for the liquidation of the same by a sinking fund and redeem the principal within thirty-four years.'"

Going Into the Record.

"Reading the Virginia ordinance and the West Virginia constitutional provisions, it followed that what was meant by the expression that the Legislature shall ascertain was that the Legislature should ascertain as soon as practicable the result of the pursuit of the method of compact entered into by the Legislature of West Virginia, when admitted into the Union, contained the provisions: 'An equitable proportion of the public debt of the Commonwealth of Virginia prior to the 1st day of January, 1861, shall be assumed by this State, and the Legislature shall ascertain the same as soon as may be practicable and provide for the liquidation of the same by a sinking fund and redeem the principal within thirty-four years.'"

The decision says further: "It is also urged that Virginia had no interest in the subject matter of the controversy, because she had been released from all liability on account of the public debt of the old Commonwealth, evidenced by her bonds outstanding on the first day of January, 1861."

Demurrer Overruled.

It quotes Virginia legislation, which the court says resulted in the surrender of most of the old bonds to Virginia, satisfied as to two-thirds and held as security for the creditors as to one-third. "We do not care," adds the court, "to take up and discuss this legislation. We are satisfied that as we have jurisdiction, these questions ought not to be passed upon on demurrer."

The chief justice then announced that the demurrer would be overruled, "without prejudice to any question of the merits of the case," and leave was given to West Virginia to answer by the first Monday of next term, October 14th next. The total amount involved is about \$17,000,000, one-third of the old debt of Virginia.

ARE GRATIFIED OVER DECISION

Virginia Debt Commission Satisfied Suit Will Be Won.

The members of the Virginia Debt Commission and the Attorney General are naturally gratified at the action of the Supreme Court of the United States in overruling the demurrer of West Virginia to the bill of Virginia in the suit instituted by this State against West Virginia for an accounting and settlement of that State's equitable proportion of the debt of the ante-bellum Commonwealth. It was a foregone conclusion that the State would win in this first issue in the case. The gigantic suit will now come to trial upon its merits at the October term of the court. At that time Virginia will be prepared to present its case so strongly that its representatives are confident that ultimate judgment will be awarded against West Virginia for some portion of the debt of Virginia prior to its partition.

The State of Virginia is represented (Continued on Fifth Page.)

FUNERAL SERVICES OF MRS. M'KINLEY AT FIRST METHODIST CHURCH, CANTON



MANY PAY TRIBUTE TO MRS. M'KINLEY

Canton Friends to View the Remains This Afternoon.

CHILDREN IN THE THROG

President, Members of Cabinet and Others to Attend the Funeral.

CANTON, O., May 27.—Although it is not intended that the funeral of Mrs. McKinley on Wednesday shall take on the form of a ceremony of state, yet the coming of the President and members of his Cabinet, the Vice-President, the Governor of Ohio, and many other people of note, will make it such in a degree at least. Late this afternoon it was determined to change the arrangements for the funeral so as to allow the remains to be viewed by Canton friends of the deceased. The time fixed for this is from 3 to 5 o'clock to-morrow. To show their love for the departed, thousands of schoolchildren will be invited in the throng, and will go through the McKinley home and pass by the bier.

Floral tributes in profusion from friends from many States are arriving. The flag on the Stark county courthouse, where the body of President McKinley lay in state, hung at half-mast out of respect to Mrs. McKinley.

President to Attend.

WASHINGTON, D. C., May 27.—Arrangements are being made at the White House for the President's trip to Canton to attend Mrs. McKinley's funeral Wednesday. The President and party will leave here to-morrow night. The deviation of the trip to Canton will not interfere with any of the subsequent schedule provided for in the visits to Indianapolis and Lansing, on which the President originally intended start Wednesday afternoon.

The members of the Cabinet will accompany the President only as far as Canton, where they will attend the funeral ceremonies, while Surgeon-General Rixey will continue with the President, as previously arranged.

Mrs. McKinley's Death.

Surgeon-General Rixey returned to-day from Canton, where he had been summoned by the illness of Mrs. McKinley. He gave the following account of the passing of Mrs. McKinley:

"Mrs. McKinley recognized Secretary Cortelyou and myself on our arrival Friday morning. Her face brightened, and with one of those sweet smiles for which she was noted, she spoke a few words of welcome and gratitude that we had come to her. After this up to the last she was roused with difficulty. She died as a child, going to sleep, quietly, peacefully, without a struggle, and as she breathed the last few breaths of this life, the expression of her face changed, the lines of pain and sorrow seemed to leave it, and she looked as she must have appeared in her girlhood, before the physical affliction from which she suffered for thirty years came to her early in her motherhood."

CALHOUN TRIAL NEXT SATURDAY

Six Jurors Secured to Hear Evidence Against Mayor Schmidt.

SAN FRANCISCO, May 27.—Dolphin M. Delmas has been engaged to defend Louis Glass and T. V. Halsey, two officials of the Pacific States Telephone and Telegraph Company, indicted for bribery.

The cases of President Patrick Calhoun of the United Railways; Thornwell Mullally, his assistant; and Percy L. Ford and W. M. Abbott, of counsel for that corporation, charged with bribing fourteen supervisors, were to-day continued until next Saturday. The trial of Mayor Schmidt, accused of extortion, was resumed in Judge Duane's court to-day, the examination of witnesses being continued. Six jurors have already been procured.



Vault in Canton Cemetery, containing the remains of President McKinley. The body of Mrs. McKinley will be placed there with that of her husband.

POLICE SEARCHING FOR THE MURDERER

Armenian Priest Believed to Have Been Victim of Robbers.

NO CLUE ESTABLISHED YET

Many Developments, but Trunk Murder Is Still a Mystery.

NEW YORK, May 27.—The constant search by the police of New York for Sarkis Ermojan and his brother Simon, who have been connected with the murder of Rev. Kasper Vartanian through cards found in the trunk where the body was discovered, and of a third man believed to have been connected with the case:

The assertion that Father Kasper Vartanian had recently inherited a snug fortune from a brother who died in Chicago, and that he possessed a jewel of great value in the form of a crescent or a cross, which had been handed down from generation to generation of priests—this money and the jewel giving the police motive for the crime:

The fact that Mrs. Henry Sherrer, in whose apartments, at 333 West Thirty-seventh street, the trunk with its body was found, was taken to police headquarters to identify a man who had been arrested as the "expressman" who took the trunk to her home and

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JAPANESE LOOK TO ROOSEVELT

Believe He Can Prevent Further San Francisco Attacks.

TOKIO, May 28.—The Japanese press is still generally calm and reserved over the apparently unprovoked attack upon Japanese in San Francisco, but it is only out of deference to President Roosevelt and his government and the confidence reposed in them that public expression of resentment is withheld. Even the most conservative and hopeful fear that a repetition of the occurrence may have serious results on the relations of both countries. However, at present, the firmest friendliness is still expressed. It is confidently hoped that the Washington government has decided to take measures that will prevent repetitions of assaults and attacks on Japanese.

ESCORT GEN. LEE TO HEADQUARTERS

Richmond Military Companies Will Show Honor to Chief.

CITY HALL WILL BE DECORATED

Texas Making Bid for Next Reunion — Present Gathering Will Probably Eclipse All Others in History of Organization.

What now bids fair to be the greatest of Confederate Reunions will open its sessions here on Thursday morning. Every arrangement for the accommodation of the incoming visitors has been made, and Richmond stands ready to throw open her doors with a lavish hospitality to the gray-headed veterans and their wives and children. Decorating has been general, nearly every important building and a large number of private homes being beautifully draped in Confederate colors. The City Council and the Board of Aldermen met in joint session to-night to arrange for the decoration of the City Hall and make other provisions for the care of the city's guests. At Camp John W. Gordon the finishing touches are being put on, and to-night a number of veterans will sleep under the canvas and dream of the days of '61.

General Stephen D. Lee, commander-in-chief of the United Confederate Veterans, arrives to-night, and will be met by a military escort and taken to the Jefferson Hotel, where he will open his headquarters. Preparations for the parades of Thursday and Monday are now about complete, the grandstands have been erected, many of the speakers are already in Richmond, and during to-day and to-morrow thousands of veterans will be pouring in. Special trains are coming from a number of points, bringing large parties of visitors, and the hospitality of the city will be taxed to its utmost limit within the next few days.

Escort for General Lee.

General Lee has telegraphed to General Chairman John W. Gordon that he will arrive in Richmond this evening over the Southern Railroad on a special train that is due to arrive here about 7:30 o'clock. He will be met at the train by Mr. Edgar Taylor, Mr. James N. Boyd and Colonel John W. Gordon. General Chairman Gordon suggested yesterday afternoon that it would be a compliment that would be highly appreciated by General Lee, if one or more of the military companies, accompanied by a band, would turn out to meet him at the train and escort him to the Jefferson Hotel, his headquarters.

When this suggestion was conveyed to Major E. W. Bowles, of the Blues' Battalion, he at once offered the services of his command as an escort for the commander-in-chief of the United Confederate Veterans, and General Lee will be met by the three companies of the Blues, with staff and regimental band.

Although definite assurances could not be secured last night, it is quite probable that other companies who regularly drill on Monday night, including the Richmond Howitzers and one or more companies from the regiment, may also turn out to honor the commanding general. Should the train be as late as 8:30 or 9 o'clock, it is certain that a large military escort will be on hand to meet him.

In this connection it is significant that a movement was started yesterday by certain public-spirited citizens on the Tobacco Exchange to supply the omission by the Council to provide for the decoration of the hall. Two gentlemen, one of whom is a member of the Council, set out to secure a guarantee fund, their purpose being to raise sufficient money to insure the appropriate adornment of the beautiful military structure, and to pay for the work, in the event the Council failed to meet and assume the expense.

A considerable sum was subscribed yesterday, not a man approached refusing to contribute. It was the purpose of the projectors of the movement to announce the result this evening, but their initiative in this matter has convinced the Council of its error, and has served to force action by that body. The Councilmen do not admit that they were thus forced to remedy a serious omission, but that appears to be very clearly evident.

The most conspicuous and invariably handsome decoration of the leading business houses of the city emphasized the failure of the Council to decorate the hall, that structure being conspicuous and isolated by reason of its grim unadorned appearance. There is little doubt, however, that the Council will to-night make ample provision for properly arraying the hall for this gala occasion.

Already the Council has appropriated \$20,000 for the entertainment of reunion visitors. The failure to provide for decorating the hall was due to a not unaccountable misapprehension of the situation. An invitation to two branches of the Council to participate in the reunion ceremonies and unveiling of the Davis Monument on June 3d had been addressed to President Peters, but he was unexpectedly away from the city and did not return until after the meeting. As the meeting the body vote down three separate and distinct propositions to provide for decoration, and it was tacitly

WILL MEREDITH BE DEFEATED?

It Is Predicted That He Will Not Be Reappointed on Library Board.

MEANS OUSTING OF KENNEDY

The Retention or Retirement of State Librarian Issue in Election.

The State Board of Education will hold its first meeting since the election of Superintendents McChesney and Lynch to the board at the offices of the Department of Public Instruction, in the State Capitol, this evening at 8 o'clock. The feature of greatest public interest attaching to the meeting is the choice of a member of the State Library Board, who will succeed Hon. Charles V. Meredith, of this city, after June 30th. While no intimation can be had as to who will be chosen, it is freely predicted that Mr. Meredith will not be re-elected. That means that in all reasonable probability a man will be selected who is opposed to the retention of Mr. John P. Kennedy as State Librarian. So far as can be ascertained, the contest for member of the Library Board will be fought out on the issue of State Librarian, two members of the board being on record as saying that the best interests of the library will be subserved by the acceptance of the Librarian's re-election, while three favored his retention.

Of that three Mr. Meredith is one, and as his term is the first of the majority to expire, the test of sentiment among the members of the Board of Education as to the Librarian will be made on the retention or retirement of Mr. Meredith.

May Be 6 to 2!

So far as known, Mr. Meredith has not indicated his desire in the matter in any way, nor is it known that he

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VISITING "PRESS"

For the use of the newspaper men attending the reunion, The Times-Dispatch has fitted up on the third floor of its building comfortable quarters.

The rooms will be equipped with Western Union and Postal telegraph offices and Southern Bell Telephone instruments, and there will be in charge a local newspaper man to furnish "information" for the press visitors.

The Times-Dispatch extends a cordial invitation to all representatives of the press to make the rooms their headquarters during the reunion. Telegrams and mail should be sent care of "Times-Dispatch."